

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MALIBU TEXTILES, INC.,

X

Plaintiff,

:

- against -

:

CAROL ANDERSON, INC. et al.,

X

Defendants.

07 Civ. 4780 (SAS)(HBP)

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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STIPULATED REVISED SCHEDULING ORDER AND
ORDER GRANTING LEAVE TO FILE AMENDED COMPLAINT

WHEREAS, the Court entered a Scheduling Order on July 25, 2007 following the parties Fed. R. Civ. P. 16(b) Conference and a Revised Scheduling Order on November 14, 2007;

WHEREAS, Plaintiff Malibu Textiles, Inc. seeks leave to file a First Amended Complaint in which a new cause of action is included; and

WHEREAS, Defendants Carol Anderson, Inc. and CABI, LLC consent to plaintiff's application for leave to file a First Amended Complaint;

WHEREAS, given the additional claims, the parties need additional time to complete discovery; and

WHEREAS, a Status Conference is scheduled before Judge Scheindlin on December 19, 2007 at 4:30 p.m.;

NOW, THEREFORE, IT IS ORDERED THAT:

1. Plaintiff Malibu Textiles, Inc. is granted leave to file its First Amended Complaint on or before December 21, 2007;
2. Service of the First Amended Complaint upon defendants' counsel by First Class Mail or e-mail is deemed good and proper service; and
3. Defendants' answer to the First Amended Complaint will be due on or before January 7, 2008.

IT IS FURTHER ORDERED the following sections of the November 14, 2007 Revised Scheduling Order are amended as follows (with all other provisions remaining in force):

- (3) a schedule including:

(a) the names of persons to be deposed and a schedule of planned depositions;

The parties currently anticipate that depositions will be taken of at least the following individuals and such other witnesses as they may deem appropriate as discovery progresses:

Currently Anticipated Depositions by Plaintiff:

30(b)(6) witness

Other business witnesses to be determined as discovery progresses

Currently Anticipated Depositions by Defendants:

30(b)(6) witness

Other business witnesses to be determined as discovery progresses

Depositions will be completed by Monday, March 3, 2008.

(b) a schedule for the production of documents;

The parties have exchanged their first sets of document responses.

(c) dates by which (i) each expert's reports will be supplied to the adverse side and (ii) each expert's deposition will be completed;

(i) Expert reports will be exchanged by Monday, March 31, 2008.

(ii) Expert depositions will be completed by Monday, April 28, 2008.

(d) time when discovery is to be completed;

All discovery, including expert discovery, will be completed by Thursday, May 15, 2008.

(e) the date by which plaintiff will supply its pre-trial order matters to defendant;

Plaintiff will supply its pre-trial order matters to defendant by Friday, May 30, 2008 unless summary judgment motions have been filed on or before said date.

(f) the date by which the parties will submit a pre-trial order in a form conforming with the Court's instructions together with trial briefs and either (1) proposed findings of fact and conclusions of law for a non-jury trial, or (2) proposed voir dire questions and proposed jury instructions, for a jury trial; and

The parties will submit a pre-trial order together with trial briefs and proposed voir

dire questions and proposed jury instructions by Monday, June 16, 2008 unless summary judgment motions are pending.

(g) a space for the date for a final pre-trial conference pursuant to Fed. R. Civ. P. 16(d), to be filled in by the Court at the conference.

March 31 at 4³⁰ p.m.

(2) a statement of any limitations to be placed on discovery, including any protective or confidentiality orders;

Except for good cause shown, no additional parties may be joined, no new causes of action asserted, and no additional defenses may be asserted after Thursday, January 29, 2008.

Parties will discuss entering into a Stipulated Protective Order regarding business and other financial information.

IT IS SO STIPULATED:

LAZARUS & LAZARUS, P.C.
Attorneys for Defendants
240 Madison Avenue, 8th Floor
New York, New York 10016
(212) 889-7400

By Hanan J. Lazarus

SO ORDERED:

D: Dec. 24 2007

Date _____

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By Matthew A. Kaplan

Shira A. Scheindlin, U.S.D.J.


Shira A. Scheindlin, U.S.D.J.